

**MINUTES OF PROCEEDING
TERRY A. DOUGHTY
U.S. DISTRICT JUDGE
APRIL 16, 2020**

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

BRANDON LIVAS, ET AL.

CIVIL ACTION NO. 2:20-CV-00422

VERSUS

JUDGE TERRY A. DOUGHTY

RODNEY MYERS, ET AL.

MAG. JUDGE KATHLEEN KAY

A telephone status conference was held in the above-referenced matter on April 16, 2020, at 3:00 p.m. Petitioners were represented by attorneys Bruce Hamilton, Somil Trivedi, Jennifer Wedekind, and David Luger. Respondents were represented by Assistant United States Attorneys Karen King and Katherine Vincent. Also participating were Lisa Olson, counsel with the Department of Justice; Kayla Dye McClusky, Law Clerk; and Amy Crawford, Courtroom Deputy.

In compliance with the Court's April 13, 2020 Order [Doc. No. 10], Respondents filed a Memorandum in Opposition to Petitioners' motion for a preliminary injunction. [Doc. No. 13]. Respondents also provided the updated information as ordered. [Doc. No. 14]. In addition, however, Respondents filed a Motion to Dismiss [Doc. No. 12]. Respondents argue that the Court lacks subject-matter jurisdiction over Petitioners' claims, and they must be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(1). Alternatively, Respondents argue that

Petitioners have failed to state a claim upon which relief can be granted as a matter of law, and the claims must be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

Because Respondents challenge jurisdiction, the Court must consider this argument first before proceeding to the merits. After conferring with counsel, the Court set an expedited briefing schedule. Petitioners must respond to Respondents' Motion to Dismiss for lack of subject-matter jurisdiction by Monday, April 20, 2020. Respondents must file a reply memorandum by Tuesday, April 21, 2020. Once the parties have fully briefed subject-matter jurisdiction, the Court will rule on the Rule 12(b)(1) Motion to Dismiss. The Court will reserve ruling on the alternative motion under Rule 12(b)(6) at this time.

If the Court finds that it has subject-matter jurisdiction over Petitioners' claims, oral argument will be held on Petitioners' motion for preliminary injunction on Thursday, April 23, 2020, at 10:00 a.m., via video conference. Counsel for Petitioners and counsel for Respondents must email Ms. Crawford at amy_crawford@lawd.uscourts.gov and designate one contact person for each side for the video hearing. If any member of the public or press wishes to attend the video hearing, he or she must contact Ms. Crawford, either by telephone at (318) 654-6461 or by email at the identified address.

If the parties wish to submit any additional evidence, including affidavits or declarations, they must file the supplemental evidence no later than Wednesday, April 22, 2020, by 5:00 p.m. .

The conference ended at 3:30 p.m.

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